

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOSE ACOSTA, Jr.,

Plaintiff,

v.

No. CIV-15-0530 SMV/LAM

UNITED STATES OF AMERICA,

Defendants.

SCHEDULING ORDER

In accordance with the Civil Justice Expense and Delay Reduction Plan adopted in compliance with the Civil Justice Reform Act, and pursuant to Title 28 U.S.C. § 473(a)(1), this case is assigned to a “standard” track classification. Accordingly, the termination date for discovery is **August 24, 2016**, and discovery shall not be reopened, nor shall case management deadlines be modified, except by an order of the Court upon a showing of good cause. These deadlines shall be construed to require that discovery be completed on or before the above date. Service of interrogatories or requests for production shall be considered timely only if the responses are due prior to the deadline. A notice to take deposition shall be considered timely only if the deposition takes place prior to the deadline. The pendency of dispositive motions shall not stay discovery.

Motions relating to discovery (including, but not limited to, motions to compel and motions for protective order) shall be filed with the Court and served on opposing parties by **September 14, 2016**. See D.N.M. LR-Civ. 7 for motion practice requirements and timing of

responses and replies. This deadline shall not be construed to extend the twenty-one (21) day time limit in D.N.M. LR-Civ. 26.6.

Plaintiff(s) shall identify to all parties in writing any expert witness to be used by Plaintiff(s) at trial, and shall provide expert reports pursuant to Fed. R. Civ. P. 26(a)(2)(B) and/or summary disclosures under Fed. R. Civ. P. 26(a)(2)(C), no later than **June 24, 2016**. All other parties shall identify in writing any expert witness to be used by such parties at trial, and shall provide expert reports pursuant to Fed. R. Civ. P. 26(a)(2)(B) and/or summary disclosures under Fed. R. Civ. P. 26(a)(2)(C), no later than **July 25, 2016**.

Pretrial motions, other than discovery motions, shall be filed with the Court and served on the opposing party by **October 5, 2016**. See D.N.M. LR-Civ. 7 for motion practice requirements and timing of responses and replies. Any pretrial motions, other than discovery motions, filed after the above dates shall, in the discretion of the Court, be considered untimely.

If documents are attached as exhibits to motions, affidavits or briefs, those parts of the exhibits that counsel want to bring to the attention of the Court must be highlighted in accordance with D.N.M. LR-Civ. 10.6.

Counsel are directed to file a consolidated final Pretrial Order as follows: Plaintiff(s) to Defendant(s) on or before **December 27, 2016**; Defendant(s) to Court on or before **January 10, 2017**. Counsel are directed that the Pretrial Order will provide that no witnesses except rebuttal witnesses whose testimony cannot be anticipated, will be permitted to testify unless the name of the witness is furnished to the Court and opposing counsel no later than thirty (30) days prior to the time set for trial. Any exceptions thereto must be upon order of the Court for good cause shown.

Plaintiff(s) allowed until **March 24, 2016** to move to amend the pleadings and until ten days after a ruling granting that motion to join additional parties in compliance with the requirements of Fed. R. Civ. P. 15(a), which may require the opposing party's written consent or leave of Court; and Defendant(s) allowed until **April 25, 2016** to move to amend the pleadings and until ten days after a ruling granting that motion to join additional parties in compliance with the requirements of Fed. R. Civ. P. 15(a), which may require the opposing party's written consent or leave of Court.

A Settlement Conference will be set for **September 7, 2016 at 9:30 a.m., in Las Cruces, New Mexico.**

IT IS SO ORDERED.



LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE